

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BERNARD MACINNIS, Administrator of
the ESTATE OF CHRISTOPHER MACINNIS
Plaintiff

v.

WALSH BROTHERS, INC., MCNAMARA/
SALVIA, INC. and
OCEAN STEEL & CONSTRUCTION, INC.
Defendants

FILED
IN CLERKS OFFICE
SUPERIOR COURT
C.A. NO.: 04-01250-P 3:09
2005 FEB 3

U.S. DISTRICT COURT
DISTRICT OF MASS.

Dein

RECEIPT #
AMOUNT \$160
SUMMONS ISSUED N/A
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY CLK. *Wey*
DATE 2/3/05

NOTICE OF REMOVAL

The defendant, Walsh Brothers, Inc., (hereinafter "Walsh Brothers") through its attorneys, Anthony M. Campo and Scott M. Carroll, Boyle Morrissey & Campo, P.C., pursuant to 28 U.S.C. §§1441(a) and (b) and 1446, gives notice of removal of this action from the Superior Court of the State of Massachusetts, County of Middlesex, to this Court. In support of its Notice of Removal, Walsh Brothers states as follows:

A. Jurisdiction

1. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) and this action may be removed to this Court by Walsh Brothers pursuant to 28 U.S.C. § 1441(a) and (b), in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

2. On or about October 26, 2004, plaintiff, Bernard MacInnis filed his complaint in the Superior Court of Massachusetts, County of Middlesex, against Walsh Brothers

alleging negligence and/or wrongful death. (The complaint is attached as Exhibit A).

3. On or about January 14, 2005, plaintiff served the Complaint on Walsh Brothers.

4. Plaintiff, MacInnis is an individual residing in Salem, New Hampshire.

5. Defendant, Walsh Brothers is a corporation organized and existing under the laws of the Commonwealth of Massachusetts and has its principal place of business 210 Commercial Street, Boston, Massachusetts.

6. There is complete diversity of citizenship between the parties involved in this cause of action under 28 U.S.C. § 1332(a) because the plaintiff and defendant are now, and were at the time of the commencement of this action, citizens of different states.

7. The amount in controversy is reasonably believed to exceed the sum of \$75,000, exclusive of interest and costs.

B. Notice of Removal is Procedurally Correct

1. This Notice of Removal is timely as it has been filed within 30 days of service of the Complaint on Walsh Brothers as required by 28 U.S.C. § 1446(a).

2. Walsh Brothers was served with plaintiff's Complaint through the Suffolk County Deputy Sheriff's office on January 14, 2005. (The Summons is attached as Exhibit B).

3. Removal of this action is allowable under 28 U.S.C. § 1441(a) and (b).

4. Venue is proper in the United States District Court for Massachusetts under 28 U.S.C. § 1441(a) because the District Court embraces the place in which the removed action has been pending in the Superior Court of Massachusetts, County of Middlesex.

5. Copies of all process, pleadings and orders that have been served upon Walsh Brothers are attached to this Notice as Exhibits A and B.

6. A copy of this Notice of Removal has been filed in the Superior Court of the state of Massachusetts, County of Middlesex, and served upon all counsel of record and/or directly with the parties of record.

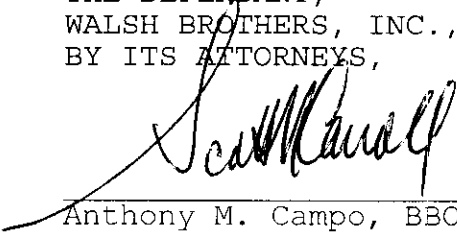
WHEREFORE, WALSH BROTHERS, INC., requests that this action be removed to the United States District Court for Massachusetts.

Respectfully Submitted,

THE DEFENDANT,
WALSH BROTHERS, INC.,
BY ITS ATTORNEYS,

DATED:

2/2/05



Anthony M. Campo, BBO# 552093
Scott M. Carroll, BBO# 640852
Boyle, Morrissey & Campo, P.C.
695 Atlantic Ave.
Boston, MA 02111
(617) 451-2000
FAX: (617) 451-5775

EXHIBIT A

MIDDLESEX, SS.

COMMONWEALTH OF MASSACHUSETTS

FILED
CLERKS OFFICE

2005 FEB -3 P 12:35

SUPERIOR COURT
U.S. DISTRICT COURT
DISTRICT OF MASS
CIVIL ACTION
NO. 04-04250-J

* * * * *

BERNARD MACINNIS, Administrator of
the ESTATE OF CHRISTOPHER MACINNIS,
Plaintiff

V.

WALSH BROTHERS, INCORPORATED,
MCNAMARA/SALVIA, INC., and
OCEAN STEEL & CONSTRUCTION, INC.,
Defendants

* * * * *

COMPLAINT AND DEMAND FOR JURY TRIAL

PARTIES

1. The Plaintiff, Bernard MacInnis, is a resident of Salem, New Hampshire. Mr. MacInnis is the duly-appointed Administrator of the estate of his son, Christopher MacInnis (March 22, 1972 - March 5, 2003).

2. The Defendant, Walsh Brothers, Incorporated, is a Massachusetts corporation with a principal place of business at 150 Hampshire Street, Cambridge, Middlesex County, Commonwealth of Massachusetts.

3. The Defendant, McNamara/Salvia, Inc., is a Massachusetts corporation with a principal place of business at 160 Federal Street, Boston, Suffolk County, Commonwealth of Massachusetts.

4. The Defendant, Ocean Steel & Construction, Ltd., is a non-resident corporation with a principal place of business at 406 Chelsea Drive, Saint John, NB, Canada.

5. At all times material hereto, the Defendant, Walsh Brothers, Incorporated, was the General Contractor on the construction project for the Yawkey Center for Outpatient Care at MGH, hereinafter referred to as the "Yawkey Center Project."

6. As the General Contractor on the Yawkey Center Project, the Defendant, Walsh Brothers, Incorporated, had the non-delegable duty to supervise said Project and provide for the safety of individuals working upon said Project.

7. At all times material hereto, the Defendant, McNamara/Salvia, Inc., was engaged by the Defendant, Walsh Brothers, Incorporated, to provide structural engineering expertise in the safe and successful completion of the Yawkey Center Project.

8. At all times material hereto, the Defendant, Ocean Steel & Construction, Ltd., was engaged by the Defendant, Walsh Brothers, Incorporated, to provide both materials and steel erection expertise in the safe and successful completion of the Yawkey Center Project.

9. On March 5, 2003, the Defendants negligently and/or recklessly failed to provide for the safety of the Plaintiff's Decedent, Christopher MacInnis, during the structural steel erection at the Yawkey Center Project.

10. As the direct and proximate result of the Defendants' negligence and/or recklessness, the eighth floor steel collapsed, crushing the Plaintiff's Decedent, thereby causing the Plaintiff's Decedent to sustain traumatic injury and conscious pain and suffering thereby resulting in his death.

FIRST CAUSE OF ACTION

11. The First Cause of Action is an action against the Defendant, Walsh Brothers, Incorporated, pursuant to G.L. c.229, §2, by the Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, for negligence and/or recklessness resulting in wrongful death.

SECOND CAUSE OF ACTION

12. The Second Cause of Action is an action against the Defendant, McNamara/Salvia, Inc., pursuant to G.L. c.229, §2, by the Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, for negligence and/or recklessness resulting in wrongful death.

THIRD CAUSE OF ACTION

13. The Third Cause of Action is an action against the Defendant, Ocean Steel & Construction, Ltd., pursuant to G.L. c.229, §2, by the Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, for negligence and/or recklessness resulting in wrongful death.

FOURTH CAUSE OF ACTION

14. The Fourth Cause of Action is an action against the Defendant, Walsh Brothers, Incorporated, pursuant to G.L. c.229, §6, by the Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, for negligence and/or recklessness resulting in personal injury and conscious pain and suffering.

FIFTH CAUSE OF ACTION

15. The Fifth Cause of Action is an action against the Defendant, McNamara/Salvia, Inc., pursuant to G.L. c.229, §6, by the Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, for negligence and/or recklessness resulting in personal injury and conscious pain and suffering.

SIXTH CAUSE OF ACTION

16. The Sixth Cause of Action is an action against the Defendant, Ocean Steel & Construction, Ltd., pursuant to G.L. c.229, §6, by the Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, for negligence and/or recklessness resulting in personal injury and conscious pain and suffering.

DEMANDS FOR RELIEF

17. The Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, demands judgment against the Defendant, Walsh Brothers, Incorporated, for compensatory damages in an amount that is fair, and punitive damages in an amount sufficient to punish this Defendant and deter other from similar misconduct, together with interest and costs as to the First Cause of Action.

18. The Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, demands judgment against the Defendant, McNamara/Salvia, Inc., for compensatory damages in an amount that is fair, and punitive damages in an amount sufficient to punish this Defendant and deter others from similar misconduct, together with interest and costs as to the Second Cause of Action.

19. The Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, demands judgment against the Defendant, Ocean Steel & Construction, Ltd., for compensatory damages in an amount that is fair, and punitive damages in an amount sufficient to punish this Defendant and deter others from similar misconduct, together with interest and costs as to the Third Cause of Action.

20. The Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, demands judgment against the Defendant, Walsh Brothers, Incorporated, for compensatory damages in an amount that is fair together with interest and costs as to the Fourth Cause of Action.

21. The Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, demands judgment against the Defendant, McNamara/Salvia, Inc., for compensatory damages in an amount that is fair together with interest and costs as to the Fifth Cause of Action.

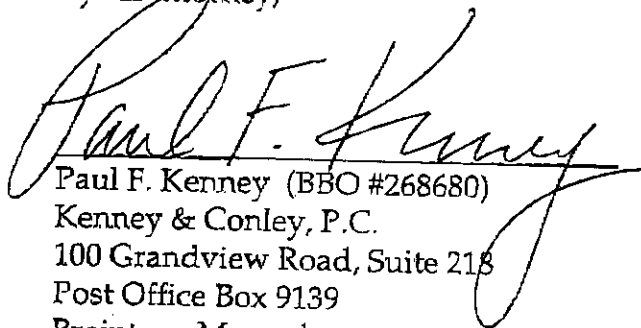
22. The Plaintiff, Bernard MacInnis, as he is Administrator of the Estate of Christopher MacInnis, demands judgment against the Defendant, Ocean Steel & Construction, Ltd., for compensatory damages in an amount that is fair together with interest and costs as to the Sixth Cause of Action.

THE PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted,

**BERNARD MACINNIS, AS
ADMINISTRATOR OF THE ESTATE
OF CHRISTOPHER MACINNIS,**

By his attorney,

A handwritten signature in cursive script, reading "Paul F. Kenney", is written over the printed name and address of the attorney.

Paul F. Kenney (BBO #268680)

Kenney & Conley, P.C.

100 Grandview Road, Suite 218

Post Office Box 9139

Braintree, Massachusetts 02184

Telephone: (781) 848-9891

Dated: October 26, 2004

EXHIBIT B

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —
TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. MICV2004-04250-J

MIDDLESEX, ss
[seal]

BERNARD MACINNIS,
Administrator of the Estate
of CHRISTOPHER MACINNIS, ... Plaintiff(s)

WALSH BROTHERS, INCORPORATED,
MCNAMARA/SALVIA, INC.,
and OCEAN STEEL &
CONSTRUCTION, LTD., ... Defendant(s)

SUMMONS

To the above-named Defendant: WALSH BROTHERS, INCORPORATED
210 Commercial Street, Boston, Massachusetts

You are hereby summoned and required to serve upon Paul F. Kenney, Esq.,
Kenney & Conley, P.C. plaintiff's attorney, whose address is Post Office Box 9139,
Braintree, Massachusetts 02184, an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at Cambridge,
Massachusetts either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DeVecchio
Witness, Robert A. Mangan, Esq. at Braintree, Massachusetts
the Thirteenth day of January
in the year of our Lord Two Thousand Five.

1-14 or a C & S
Superior Court, Middlesex County

Edward J. Sullivan
Clerk

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Bernard MacInnis Adminstrative Use
Estate of Christopher MacInnis v. Walsh Brailows, Inc., et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

U.S. DISTRICT COURT
DISTRICT OF MASS.
*Also complete AO 120 or AO 121
for patent, trademark or copyright cases

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

not Applicable

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Anthony M. Campo & Scott M. Carroll

ADDRESS Boyle Morrissey & Campo, P.C., 695 ATLANTIC AVE, BOSTON, MA 02111

TELEPHONE NO. 617 451 2000

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Bernard MacInnis, Administrator of the
Estate of Christopher MacInnis

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Kenney & Conley, P.C., 100 Grandview Rd,
Suite 218, P.O. Box 9139, Braintree, MA

(c) Attorney's (Firm Name, Address, and Telephone Number) (781) 848-9891

DEFENDANTS

Walsh Brothers, Inc., McNamee/Salvia, Inc.
and Ocean Steel & Construction, Inc.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) Anthony M. Campo & Scott M. Correll
Boyle, Morrissey & Campo, P.C.
695 ATLANTIC AVE, Boston, MA
(617) 451-2000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|-----------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 25 USC 7609	

V. ORIGIN

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

28 USC 1332(a)
Brief description of cause: Construction site wrongful Death

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/1/05

SIGNATURE OF ATTORNEY OF RECORD

Scott M. Correll

FOR OFFICE USE ONLY

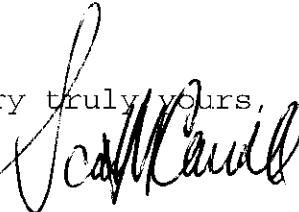
RECEIPT # _____ AMOUNT _____ APPLYING FEE _____ JUDGE _____ MAG. JUDGE _____

6. Filing Fee; and,

7. Certificate of Service.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott M. Carroll", written over the typed name.

Anthony M. Campo
Scott M. Carroll

SMC/jls

Enclosures

cc: All Counsel of Record

\\boyle4\apps\WordDocs\Cases\5540\Correspondence\2005\Federal Court 2-1-05.doc